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Admitted to Practice Law
in the State of New York

December 22, 2023

Via ECF

Hon. Magistrate Lee G. Dunst

Re: Jonathan Barahona et ano v William Nieto et ano
02:21-cv-05400 (GRB)(LGD)
Pre-Trial Order

Dear Honorable Magistrate Judge Dunst:

Regarding the above matter, I represent the Defendants, William Nieto and Paradise Tree Service and Landscaping Corp. I regret to advise that I am unable to submit a "Joint" Pre-Trial Order and I apologize that this letter is one day after the Joint Pre-Trial Order was due. I painstakingly made all efforts to submit the Joint PTO on time and in proper form and content. Unfortunately, Plaintiffs' counsel's practices have made that an impossibility.

I am acutely aware that you have no desire or time to listen to "finger pointing" or any nonsense. I am also acutely aware that this Letter, at first glance, may seem petty but I assure you, it is not and nor does it please me to have to write it.

Plaintiffs' counsel has engaged in deceptive and obstructive practices since the beginning of this action. I have repeatedly written and stated same on the record, as well as provided examples. I have explained to counsel that his practices ultimately make the both of us look bad and unprofessional, but to no avail. I am at a loss as I cannot work jointly with Plaintiffs' counsel with the continued deceptive and obstructive practices, he persists to engage in.

In the beginning of this action, I memorialized Plaintiffs' counsel's actions in opposition to a letter motion, filed by Plaintiffs' counsel. Later, it involved Plaintiffs' counsel submitting a supposed joint letter which was never provided to me. However, I did consent to another letter in which Plaintiffs' counsel stated in

an email, he was going to submit. Had I never double-checked what Plaintiffs' counsel actually submitted to the Court, it would have went unchecked. Of course, I am responsible to double and triple check things but I should be able to rely on those things written to me and representations made by another Officer of this Court.

Recently, at the last conference, I showed the Court the obstructive practices I was experiencing at the hands of Plaintiffs' counsel, when the joint order was almost complete, Plaintiffs' counsel added over 50 redline comments which were mostly blank but made the format of the document impossible to rehabilitate.

I am sorry to report that my experiences with Plaintiffs' counsel over the past 2 weeks, in an attempt to generate a Joint Pre-Trial Order, have made the completion of that document, impossible. Plaintiffs' attorney, again, made hidden changes to the document as well as precluded me from making changes and only made visible my changes and kept his changes hidden. I only realized this when I was saving it and uploading it. Upon upload and saving my changes were not saved in the most crucial section; the section where we list the Facts we both stipulate to. This could have been very devastating but it was a huge waste of time and was done in bad faith.

Because of the above, I am submitting this "Pre-Trial Order" as it is the only thing I can submit. I would respectfully request your Honor, if the Court is willing to schedule a virtual conference either December 28 or 29, 2023, in order that a Final Complete Joint Pre-Trial Order can be drafted. I am celebrating the Christmas Holiday through December 26, 2023, and return to work on December 27, 2023.

Please again, accept my apologies. I truly am sorry, and this was far from what I wanted to be my last act before celebrating such an important Holiday for my Family and I. Respectfully, I remain,

Sincerely yours,

Glenn J. Ingoglia

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